

Certificate of Competency holder continuing professional development

**SUBMISSION OF
THE NEW ZEALAND MINING INDUSTRY
SAFETY COUNCIL (MinEx)
TO WORKSAFE
ON**

**Continued Professional Development requirements of
Certificate of Competence holders**

19 October 2015

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Introduction

MinEx¹ welcomes the opportunity to submit on the Workplace *Continued Professional Development requirements of Certificate of Competence holders*. We note the submission deadline of 19 October 2015.

This is a submission on behalf of all of the Extractive industry and particularly the MinEx members listed in Attachment I. In addition to these members, this submission has the support of AQA, IOQ NZ, Straterra, AusIMM NZ and Civil Construction NZ.

The Board of Examiners (BoE) has issued a consultation document with proposals for establishing a Continuing Professional Development (CPD) system in accordance with the 2013 regulations.

The regulations state:

34 WorkSafe may prescribe requirements

WorkSafe may, after consultation with the Board, by notice in the Gazette prescribe—

- (a) the requirements to be met for the granting of certificates of competence for mine workers, quarry managers, alluvial mine managers, and site senior executives, including—*
 - (i) the qualifications and experience required for the granting of a certificate of competence; and*
 - (ii) the continuing education required to be completed for the granting of a renewal of a certificate of competence; and*
- (b) competency requirements to be met, including unit standards to be achieved, by mine workers who do not require a certificate of competence; and*
- (c) competency requirements to be met, including unit standards to be achieved, by a site senior executive in addition to holding a certificate of competence; and*
- (d) competency requirements to be met by site health and safety representatives.*

43 Continuing professional development condition of certificate

The holder of a certificate of competence must comply with the continuing education requirements prescribed under regulation 34 for a holder of that certificate of competence.

Summary of the proposal

The proposed requirements have two components:

- Competency requirements to ensure that the range of knowledge and skills addresses the requirements to undertake duties associated with the statutory functions of a CoC holder; and,
- Learning, both formal and informal, which enables a CoC holder to take part in a range of activities to ensure the knowledge and skills required are maintained and enhanced as required.

The Competency requirements are split into 4 parts:

- Operational and safety systems;
- Legislation;
- Emergency management; and,

¹ MinEx is the national Health & Safety Council for the New Zealand quarry, coal and minerals industry. Its main purpose is to help industry to improve its health and safety performance, and to provide centralised industry representation on matters relating to health and safety.

CoC Professional Development

- Leadership.

The proposal states that a total of 120 hours of professional development will need to be undertaken over five years for all CoC holders except: B-grade opencast coalmine manager, B-grade quarry manager, B-grade tunnel manager, coal mine deputy, mine surveyor and ventilation officer which require 60 hours and winding engine driver requires 40 hours.

The proposal sets out under each of the Competency requirements the types of subjects that need to be covered and these are quite broad.

The proposal then sets out how you are able to go about satisfying these competency requirements through formal (2/3rds of the total) and informal learning.

There are minimum hours that must be achieved over 5 years in each competency category and also minimum learning hours per year.

WorkSafe have clarified that the split of formal and informal learning is over the full learning requirement and not required for each competency. For example all of the Emergency Preparedness learning is able to be informal so long as the total learning across all competencies achieves the 2/3rd minimum for formal learning.

Overall MinEx considers that the Board have done an excellent job in developing these proposals and our submission is about detail.

Submission

Competencies

Range of topics under each heading

The range of topics covered under each Category is quite extensive and we assume that you can choose at will although this is not clear.

Recommendation 1: That it be made clear that CoC holders are able to choose any combination of the subjects under each competency heading.

Formal learning

Minimum for formal learning

There is a requirement that this be a minimum of 2/3rds of the total learning time. We think that this ought to be split into the senior (A grade and above) and other roles (B grade, underviewer and below).

People in the senior roles need currency of knowledge. They are unlikely to engage in unit standard training and would be more likely to self-educate via reading journals, books and through internet research. We think that the 2/3rd requirement for formal learning ought to be reduced to 1/2 for the senior group.

Recommendation 2: That the 2/3 requirement for formal learning be reduced to 1/2 for A-grade CoC holders and equivalent.

Formal training courses

The proposal contains an Appendix detailing the requirements of formal training. This is only referred to under formal training in the proposal table. We understand that the Appendix only applies to formal learning.

We will return to the detail about the Appendix later.

CoC Professional Development

Conferences/Seminars/workshops

We think that delivery of a seminar or workshop ought to gather more hours than attending – perhaps 8 against the 6 proposed. The same applies to presenting at a conference. It takes research to present papers and deliver seminars/workshops which ought to gather more hours than attending such events.

Recommendation 3: That the delivery of a seminar or workshop and presenting at a conference attract 8 hours rather than the 6 proposed.

MinEx also submits that for A-Grade and above, peer-reviewed papers should attract more hours than other papers given that these require more research and time to prepare. A premium of another 2 hours is suggested as appropriate.

Recommendation 4: That for A-grade and equivalent and above that peer reviewed papers attract up to 10 hours rather than the 8 hours proposed.

The general allowance for conference attendance is capped at 4 per conference. The AusIMM and QuarryNZ conferences are 3 and 2 days respectively and include at least 6 hours of technical content per day. We submit that the maximum hours allowable should be increased to 4 hours per day for conference attendance.

Recommendation 5: That attendance at conferences is capped at 4 hours per day rather than 4 hours per conference as proposed.

Industry events

MinEx submits that attendance at industry events should attract a maximum of 8 hours per year rather than the 6 suggested.

Recommendation 6: That attendance at industry events be capped at 8 hours per year rather than the 6 proposed.

Formal training courses

While the Appendix requires assessments to be carried out for learning to qualify as formal, there is no requirement for CoC holder to both complete and pass the assessment and be able to provide the assessment certificate. It may be implicit in the audit proposal that the achievement certificate is recorded in the log book and may have to be produced but MinEx submits that this ought to be an explicit requirement of formal learning before it counts towards total hours:

- An assessment from the trainer must show an achieved pass: and,
- The record of achievement must be logged and retained for audit purposes for attendance to count.

Recommendation 7: That there be an explicit requirement for CoC holders to gain an “Achieved” result for the formal training to count and that there also be an explicit requirement to retain these records.

This then raises an issue around the audit process and findings. What will be the result if an audit shows that the hours logged are not in accordance with the policy? Presumably this may result in the CPD being insufficient to renew the certificate. What dispute process will apply here? How long will holders have to rectify the situation to retain their CoC?

Recommendation 8: That the BoE develop policies around audit findings and publish these.

CoC Professional Development

Informal learning

Publications

We consider that reading publications should attract more for the senior CoC (A grade and above) as these people will be more likely to use this route for part of their CPD than the other CoC holders. 10 hours is suggested with only 2 proposed.

Recommendation 9: That for A-Grade CoC holders and equivalent and above the Informal publications allowance is increased from 2 to 10 per year.

Emergency management

The requirement here for surface B-grade holders is 8 hours over 5 years or an average of 1.6 hours per year. Given the need to review a site's emergency management plan and conduct regular drills we think that this would take at least 2 hours per year so the B-grade requirement is not onerous.

On the other hand, surface A-grade and equivalent must complete 16 hours over 5 years and so they need to find another emergency management activity to pick up the extra 6 hours over 5 years. This will require them to be more inventive over setting up and running perhaps emergency drills that test their abilities in, for example equipment rollovers requiring use of lifting equipment, which would seem to be a good thing. We think that industry will need to assist some operators with opportunities for the extra training.

For underground CoC holders the emergency management plans and drills are likely to exceed 2 hours and so we don't see this as being an issue for Tunnel Manager and Underviewer CoCs.

Hours requirements

On the face of it all of these seem reasonable with the exception of the Survey CoCs.

MinEx submits that surveyors should complete 120 hours consistent with the Superintendent roles. There may be a similar argument with the Ventilation Officer to align all of the more technical CoCs.

Recommendation 10: That the surveyor total hours over 5 years be increased to 120 hour.

The carry over of hours is a good concept and MinEx submits that the carry over of hours from year 5 to year 6 should be clarified. The proposal does not seem to prevent this but also does not explicitly allow this. The proposal states:

Learning must be undertaken across a relevant range of topics within the required competencies in each 5 year cycle. Carry over: additional hours earned in any one year can be carried forward to be counted towards the next year's hours but not beyond.

Recommendation 11: That the BoE clarify the situation with carry over hours from year 5 to year 6.

Appendix

This appears to set out the requirements for formal training courses only and this has been confirmed verbally by Worksafe. It would be useful for the Appendix to state this clearly. The requirements seem in the main to be related to NZQA requirements for teaching unit standards.

The Appendix requires that all trainers hold certain qualifications and presumably these are those set out in the CMR 0114 (6). These are:

- assessors hold credit for unit standard 4098, Use standards to assess candidate performance, or are able to demonstrate equivalent knowledge and skills; people responsible for moderation will hold credit for unit standard 11551, Moderate assessment, or are able to demonstrate equivalent knowledge and skills;

CoC Professional Development

- verifiers hold or are working towards obtaining credit for unit standard 18203, Verify evidence for assessment for candidate, or are able to demonstrate equivalent knowledge and skills prior to undertaking verification activities;
- teaching and/or assessing staff hold the unit standards they are teaching and/or assessing against, or are able to demonstrate equivalent knowledge and skills.

MinEx does not know if all Extractive trainers meet these requirements and some transitional period might be required if they do not.

Recommendation 12: That the BoE consider the need for trainers to be given time to gain the required units.

L McCracken
CEO MinEx
19 October 2015

Submission to WorkSafe

Attachment I – MinEx member companies

A B Lime
Atlas Quarries Ltd
Bellingham Quarries Ltd
Blackhead Quarries Ltd
Byfords Construction Co Ltd
Christchurch Ready Mix Concrete Ltd
Downer NZ
Fulton Hogan Ltd
Green Vision Recycling Ltd
H G Leach & Co Ltd
Higgins Aggregates Ltd
Higgins Contractors Wairarapa
Holcim (New Zealand) Ltd
Horokiwi Quarries Ltd
Huntly Quarries Ltd
Ihumatao Quarries Ltd
Industrial Processors Ltd
Inframax Construction Ltd
Isaac Construction Co Ltd
J Swap Contractors Ltd
K B Contracting & Quarries Ltd
Lake Road Quarries
Materials Processing Ltd
Maungaraki Lime Ltd
McCallum Bros Ltd
McGregor Concrete Ltd
Mike Edridge Contracting Ltd
Monovale Sand Quarry Ltd
NZ Steel
Oamaru Shingle Supplies Ltd
Origin Quarries Ltd
Palmer Resources Ltd
Perry Resources (2008) Ltd
Porritt Sand
Prenters Aggregates Ltd
Quality Roding & Services (Wairoa) Ltd
Rangitikei Aggregates Ltd
Ravensdown Fertiliser Co-op
River Run Products Ltd
Road Metals Co Ltd
Rock Products Ltd
S C & G A Levet Contracting & Silverhill Quarry
Sibelco NZ Ltd
Southern Aggregates Ltd
Southern Screenworks Ltd
Stevenson Resources Ltd
Taueru Lime Ltd
Taupo Scoria Ltd
Taylor's Contracting Co Ltd
The Roding Company Ltd
Vickers Quarries Ltd
Waiotahi Contractors Ltd
Wharehine Ltd
Winstone Aggregates
Doug Hood
Bathurst Resources
Kaipara Excavators
Milburn Lime
Inframax Construction
Stevensons
Newmont Waihi Gold
Oceana Gold
Delta Electrical
Solid Energy NZ
Kai Point Coal
Taylor Coal
Glencoal
Birchfield